

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

UNITED STATES OF AMERICA

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§
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V.

NO. 4:20-CR-388-DC-01

THOMAS SCOTT PERKINS

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§

DEFENDANT'S MOTION FOR ACCESS TO JUROR QUESTIONNAIRES

TO THE HONORABLE DAVID COUNTS, DISTRICT JUDGE OF THE UNITED STATES FOR THE WESTERN DISTRICT OF TEXAS:

COMES NOW Defendant THOMAS SCOTT PERKINS ("Mr. Perkins"), by and through the undersigned counsel, and files this Motion for Access to Juror Questionnaires in which he would respectfully show the following:

On information and belief, the Clerk's Office provides only basic information regarding prospective jurors. Said information does not include prospective jurors' employers, their spouses' employers, or a zip code for place of residence.

In order to prepare an adequate and proper defense, Mr. Perkins needs further information regarding the prospective jurors, specifically the information set forth in the juror questionnaires, for the upcoming jury selection scheduled for July 18, 2022, in the above-captioned case. For example, information about the prospective jurors' employers and their spouses' employers will assist Mr. Perkins in determining whether a juror may have ties that would prevent him or her from being impartial in this case. Said information will enable Mr. Perkins to properly and fully participate in the voir dire process.

Furthermore, in the event any questions arise as to the selection process, a simple review of the jury questionnaires may obviate the need to resort to the more extensive production

requirements set forth in 28 U.S.C. § 1867. The degree of intrusion into court business should be minimal in light of existing record-keeping requirements. *See* 28 U.S.C. § 1868 (“all records and papers compiled and maintained by the jury commission or clerk . . . shall be preserved in the custody of the clerk . . . and shall be available for public inspection for the purpose of determining the validity of the selection of any jury”).

For these reasons and in the interest of justice, Mr. Perkins respectfully requests the Court grant the present Motion and permit counsel to review the juror questionnaires.

Respectfully Submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

/S/

ELYSE M. BATALLER-SCHNEIDER
Assistant Federal Public Defender
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2022, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification of such filing to the following:

AUSAs Andrew Cannon Weber, John Cannizzaro, and Scot Van Greenbaum
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/S/
ELYSE M. BATALLER-SCHNEIDER
Attorney for Defendant

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**ORDER GRANTING DEFENDANT'S MOTION FOR ACCESS
TO JUROR QUESTIONNAIRES**

On this day, the Court considered the Defendant's Motion for Access to Juror Questionnaires ("Motion"). The Court, having considered the Motion, is of the opinion that the Motion should be granted.

IT IS THEREFORE ORDERED that the Defendant's Motion for Access to Juror Questionnaires (ECF No.) is hereby **GRANTED**.

IT IS FURTHER ORDERED that Clerk make available to counsel in this case the questionnaires submitted by the individuals who will serve as potential jurors in the above-captioned cause scheduled for jury selection on Monday, July 18, 2022.

SIGNED AND ENTERED this day of , 2022.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE